IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2209 OF 2007

Rajaram Narayan Deshmukh & Ors. ...Petitioners

vs.

Bhimrao Saudagar Chalke ...Respondent

Mr.P.B.Shah for the Petitioners

CORAM: A.S.OKA,J.
DATE : APRIL 4,2007.

P.C.:

1. Heard learned Counsel for the Petitioner. The Petitioner is the original defendant. One of the grievance made in this Petition under Article 227 of Constitution of India is that the Application made by the Petitioner on 25th August 2006 under Order VII of Rule 11 of the Code of Civil Procedure,1908 is not being decided and the same is kept pending till today. Application for temporary injunction under Order XXXIX Rule 1 of the said Code is also pending.

2. The provision of Rule 11 of Order VII of the said Code can be invoked at any stage of proceeding and therefore, the learned Judge will have to decide the said Application especially when a contention is raised that the issue of tenancy has been decided by this court.

3. Hence, Writ Petition is disposed of by passing the following order :

i) Application made by the Petitioner on 25th August 2006 under the provision of Order VII Rule 11 of the Code of Civil Procedure,1908 shall be decided as expeditiously as possible and in any event on or before 30th June 2007.

ii) The application for temporary injunction will also be decided expeditiously.

iii) All contentions of the parties on merits are kept open.

JUDGE